

HAMILTON COUNTY BOARD OF COMMISSIONERS
APRIL 23, 2007

The Hamilton County Board of Commissioners met on Monday, April 23, 2007 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A. President Dillinger called the public meeting to order at 1:00 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Executive Session Memoranda

Altman motioned to approve the April 23, 2007 Executive Session Memoranda. Holt seconded. Motion carried unanimously.

Approval of Minutes

Holt motioned to approve the minutes of the March 23, 2007 Commissioner and Council Retreat. Altman seconded. Motion carried unanimously.

Highway Business [1:05:33]

Road Cut Permits

Mr. Joel Thurman requested approval of Open Road Cut Permit – RDCUT-2007-003 for the Town of Westfield on West 166th Street 741’ west of the Little Eagle Creek Avenue intersection. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Highway Department

Thurman requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-07-0012 – Fidelity and Deposit Company Performance and Payment Bonds No. 7590370 issued on behalf of Erber & Milligan Construction Company, Inc. in the sum of \$278,402.85 for Bridge #86, Rulon road over Weasal Creek to expire April 12, 2009. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Highway Department

Thurman requested approval of the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-00-0047 American Casualty Company Performance Bond #142161474 for Lehman’s Inc. of Anderson. 2) HCHD #B-00-0048 American Casualty Company Payment Bond #142161474 for Lehman’s Inc. of Anderson. 3) HCHD #B-00-0073 American Guarantee and Liability Insurance Company Performance Bond #3612977 for ATC Associates, Inc. 4) HCHD #B-00-0086 American Guarantee and Liability Payment Bond #3612977 for ATC Associates, Inc. 5) HCHD #B-00-0053 Lyndon Property Insurance Company Performance Bond #CSB1302878 for James Babcock, Inc. 6) HCHD #B-00-0054 Lyndon Property Insurance Company Payment Bond #CSB1302878 for James Babcock, Inc. 7) HCHD #B-00-0045 Merchants Bonding Company Performance Bond #INC 1535 for Trisler Construction Company, Inc. 8) HCHD #B-00-0046 Merchants Bonding Company Payment Bond #INC 1535 for Trisler Construction Company, Inc. 9) HCHD #B-00-0051 United States Fidelity and Guaranty Company Performance Bond #400 KD8560-00 for Terstep Company, Inc. 10) HCHD #B-00-0052 United Stated Fidelity and Guaranty Company Payment Bond #400 KD8560-00 for Terstep Company, Inc. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements/Supplements [1:07:04]

104th Street Over Thor Run Creek Non-Reimbursable Utility Agreements

Thurman requested approval of Non-Reimbursable Utility Agreements for 104th Street over Thor Run Creek. 1) HCHD #M-07-0010 with Central Indiana Power. Holt motioned to approve. Altman seconded. Motion carried unanimously. 2) HCHD #M-07-0011 with Insight Communications. Holt motioned to approve. Altman seconded. Altman asked if we have determined if cable companies are utilities in respect to right of way issues? Howard stated he believes we have determined they are utilities. Altman stated the agreement is incomplete because the completion time, not to exceed so many days, was blank in this agreement and the next agreement with Embarq. Altman motioned to add either 45 or 60 days to that clause before we sign off on it. Holt seconded. Motion amendment carried unanimously. Motion to approve agreement carried unanimously. 3) HCHD #M-07-0012 with Embarq. Holt motioned to approve. Altman seconded. Altman stated she has never heard of this utility. Thurman stated it is a phone service on Indiana Power utility poles. Altman stated she has the same problem with their contract with inserting 45 days before we execute it. Motion carried unanimously.

104th Street over Anderson Ditch Supplement Agreement #1

Thurman requested approval of Supplement Agreement No. 1, HCHD #E-03-0001 with Wilcox Professional Services, LLC for replacement of the existing structure on 104th Street over Anderson Ditch in Fall Creek Township. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #191 Carrying Olio Road over Geist Reservoir Supplement Agreement #3

Thurman requested approval of Supplement Agreement No. 3, HCHD #E-03-0002 with United Consulting Engineers, Inc. for Bridge #191 carrying Olio Road over Geist Reservoir in Fall Creek Township. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence

Thurman requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. 1) Michael Hyman regarding a No Parking Sign request on Luann Street. Altman motioned to approve. Holt seconded. Motion carried unanimously. 2) Lance Lantz regarding a speed limit reduction on 96th Street from US 421 to County Line. Dillinger asked if we should incorporate with Zionsville (Boone County)? Altman stated the speed studies indicate that we have it posted correctly. They looked at moving their speed up to 40 mph but she is not sure why they did not do it. Thurman stated there were two items that swayed our decision, one was the 85 percentile speed was 44 mph which is 14 miles an hour over the 30 mph they are requesting and secondly the segment of road is 3,065’ which is a good segment size. A lot of the drives have ecel/decel lanes. Altman stated she has driven that segment and she can’t imagine going down to 30 mph. Holt stated his Mom lives on it, it is a terrible speed trap for Zionsville. Holt stated he thinks 40 mph is a reasonable speed. Holt motioned to approve highway’s position. Altman seconded. Motion carried unanimously.

Official Actions [1:17:44]

Luann Street Regulatory Signs

Thurman requested approval of an Official Action to install regulatory signs on Luann Street in Noblesville Township. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Olio Road Regulatory Signs

Thurman requested approval of an Official Action to install regulatory signs for Bridge #191 work zone on Olio Road from 3320’ south of 113th Street to 113th Street in Fall Creek Township. Altman motioned to approve. Holt seconded. Motion carried unanimously.

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Rulon Road Permission to Close

Thurman requested permission to close Rulon Road between 276th Street and 281st Street beginning on or after Wednesday, May 9, 2007 for a period of 60 calendar days for replacement of Bridge #86. Altman motioned to approve. Altman asked if the school has been notified? Holt asked about the planting season. Mr. Matt Knight stated they have notified Hamilton Heights School Corporation and they did not have any response. As far as planting season he is not sure when that is going to end, that is weather related. The further we push it back the bigger the chance we get into the next school year. Holt seconded. Motion carried unanimously.

Resurface Contract 07-1 Permission to Advertise

Thurman requested permission to advertise Resurface Contract 07-1, various roads in Clay and Fall Creek Townships. Holt motioned to approve. Altman seconded. Altman asked if we have resolved the Cal Carson issue? Thurman stated Cal Carson is in the second resurface contract. Motion carried unanimously.

Highway Meeting

Mr. Brad Davis stated he would like to hold the Friday morning highway meeting with the commissioners on Friday, April 25, 2007 at 7:30 a.m.

US 31 Project

Davis stated INDOT has selected R.W. Armstrong as the consultant for the US 31 Project (Hamilton County portion). Holt asked what is the time line for the construction contract? Davis stated the Fall of 2010.

FEMA Submittal

Davis stated they met with FEMA (Federal Emergency Management Agency) representatives on the county's submittal for reimbursement of costs from the 2006 Snow Emergency. We estimated we would receive approximately \$60,000.

Part Time Help Work Hours

Davis requested permission to allow the highway department summer part time workers to work in excess of 30 hours per week. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Commissioner Committee Reports [1:26:54]

D-Med

Altman stated she received information on D-Med, a program that scans for indigent counsel to make sure they are qualified. She will pass the information onto the courts.

Indiana Veneers Property [1:27:44]

Mr. Robert Hamlett, Attorney for Indiana Veneers Group, stated they learned a couple of weeks ago that the request to purchase land for Indiana Veneers Group had come before the commissioners in February and the request was denied. It is our judgment and the Hoosier Heritage Port Authority's judgment that the sale of this property would have no impact on the future of a light rail system. Seven years ago Indiana Veneers proposed to the port authority that Indiana Veneers purchase a larger segment of the port authority's right of way where it adjoined the Indiana Veneers factory at 24th and Yandes Street in Indianapolis. Larry Hopkins, former Executive Director, spent many hours with maps and walking the area and we all concluded that what we were proposing, the area used to be a siding track and would not affect a dual track or light rail system to downtown Indianapolis. Indiana Veneers purchased the ground seven (7) years ago and there is now a building sitting on this property. We have proposed buying a 3,000 square foot section that adjoins the part we bought and run along the railroad right of way so Indiana Veneers can add another addition onto its factory, expand its business and employment. Hamlett stated he understands from reading the minutes of the February meeting that there is a question of what we offered to pay for it. Hamlett stated he is the first to admit they did not offer to pay very much, the property is not worth very much as it sits along a railroad right of way. Its present usage is a drainage ditch. If that were the sole impediment give us a number to shoot at. What we have proposed works well with Indiana Veneers and has zero negative impact on the port authority, the light rail system and the future of public transit throughout the Indianapolis area. Hamlett requested this board reconsider their decision from last February. Altman asked if he has any depiction of the area? Hamlett stated he did not bring it today, but would be happy to bring it back to the commissioners. Altman stated the use proposed is a permanent structure on the property? Altman stated she thought you were going to use it as a spur. Altman stated we are looking at light rail in that corridor and hopefully we will have a decision made as to the actual corridor by October or November. We are also potentially looking at using freight and light rail, in that case the right of way is critical. It would be helpful to see what you have in mind, the dollar amount is insignificant, it is more of an issue of if we sold it and then we have a problem depending on our flexibility. One solution Altman was going to suggest was that this or any other ones with the right of re-purchase with the same amount. If you are going to put a structure on it, that is not an option. Hamlett stated the agreement that goes back seven years and approved by the port authority last year with Fishers and Noblesville, provide a right of re-purchase, not at the original purchase price. It is the original purchase price adjusted for inflation plus the un-amortized portion of the costs of any improvements that are on that part of the ground. Altman stated it could be significant if you put a building on it. Hamlett stated it could be significant but not as much if you had to condemn it. Holt asked if the commissioners could have the survey before Mr. Hamlett comes back so we could make inquiry from the port authority. That might avoid Hamlett from having to re-appear. Altman stated the right of re-purchase solves a lot of issues however we don't want to pay a lot more than what you paid for it especially if you get it at a bargain price. Altman suggested the commissioners meet with the port authority directly and decide our philosophy on any future sales, leases, etc. Hamlett stated he can provide a very old drawing that shows how all of the railroad right of ways came through that area. Hamlett will get the information to the commissioners.

Cell Phone Policy Exception – Safety Risk Management [1:35:45]

Ms. BJ Casali has requested an exemption to the county's cell phone policy from Ross Klippel, Safety Risk Manager. Klippel has purchased a 'for fee' phone and he is requesting permission to purchase 900 additional minutes (at a rate of \$17.00 per pay period) and text messaging (for personal use only) at his expense. Dillinger stated there is some reason that we don't allow that. Casali stated Ben Brown (Cingular) has already given Klippel the authorization to do it. The issue would be if they are going to use it for business then it is \$19.99 for messaging and if they did personal text messaging then it might be an issue. Klippel is purchasing this time on his own. Dillinger asked if he will be paying for all text messages? Casali stated yes. Altman motioned to approve. Holt seconded. Motion carried unanimously. Altman told Casali that the next time there is an exception request the person requesting the exception should appear, not Casali.

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Contract Renewals – Building and Grounds

Mr. Scott Warner requested approval of the 2007 maintenance contract renewals for the fairgrounds from Electrical Equipment Company for the sound system and fire alarm system. Altman asked how often do we call upon these people for service? Warner stated this is for the annual inspection where they check the entire system. Altman stated it seems high for a sound system at the fairgrounds. Holt motioned to approve. Altman seconded. Altman stated it might be better to put away the money in a sinking fund for replacement rather than paying the annual inspection. Warner stated they are currently reviewing the needs to do upgrades to the system. Motion carried unanimously.

Altman asked Warner to check the two (2) sinks in the women's bathroom on the first floor of the Judicial Center that do not work. There are also stall dividers that still have exposed hardware after a year. Warner will check on it.

Nance Property Demolition Costs

Warner stated he has received three quotes for the demolition of the Nance property at the south parking lot. 1) ABC Contractors - \$5,200. 2) Ray's Trash - \$8,898. 3) Bryans' Hauling & Excavating - \$10,500. Warner recommends using ABC Contractors. Warner stated he also received a cost for capping the sewer at \$2,950. Asbestos testing is now complete. Altman asked why is capping off of the sewer so expensive? Warner stated the street has to be excavated, they have to go back to where the sewer taps onto the main and cap it there. The wastewater plant has to sign off on it before the demolition permit will be issued. Altman asked what kind of lateral is it, could we use that connection for Riverwalk? Howard stated it is probably very old. Warner stated this is a requirement from the wastewater utility. If we tear something down it has to be capped at the main and the lateral has to be removed. Altman asked if the lateral will remain if we need access? Warner stated there may be some pipe underground but in that location he does not imagine we would be using that particular lateral. Holt stated we have been discussing the feasibility of having a public restroom on the Riverwalk, would that be a good location? Warner stated you would not have far to go to catch the main but before the building can be torn down the main will have to be disconnected. Holt stated your counsel is in order to tear this building down we need to do this? Warner stated you need to do it, whatever is there would not be suitable for new construction. Howard asked Warner to check with wastewater, if the lateral is intact to see if it is ok to tap it behind the lateral. If it is a brick sewer you can not bore it, it will collapse. Altman motioned to approve both contracts subject to your review to see if we can avoid excavating the street at this time until we know what we are doing with that connection long term. Holt seconded. Motion carried unanimously. Warner clarified that they want him to check with wastewater to see if we can go ahead with the demolition permit without capping the sewer? Howard stated no, you will have to cap it somewhere; it is a question of whether you cap the main or upstream from the lateral. Warner clarified that this motion authorizes the demolition with ABC contractors? Altman stated correct.

Amendment to Health Plan [1:46:10]

Ms. Sheena Randall requested approval of the First Amendment to October 2006 Restatement of Hamilton County Employee Benefit Plan. This amendment provides mammogram coverage at 100% for the first one done in the year. It does not matter if it is done in diagnostic or wellness. Altman motioned to approve. Holt seconded. Altman asked if this is back to January 1st? Randall stated yes. Motion carried unanimously.

UASI Sub-Grant Agreement [1:47:22]

Mr. Arvin Copeland requested approval of a 2006 Homeland Security Grant Program Sub-Grant Agreement. The projects are for 17 additional laptops to be distributed to local agencies throughout Hamilton County. The second project is for technical rescue equipment for the county taskforce rescue team. Altman asked Copeland to clarify that the laptop is a separate grant outside of UASI money? Copeland stated it is all outside of UASI money, it is new monies. Altman stated we have talked about the technical rescue at EMA, is this different than what was approved through the change of 2006 UASI money? Copeland stated yes it is. Altman asked when was this discussed at EMA, she does not recall it. Copeland stated this was not, it is an additional grant that the State just came out with. He has been working with Fishers and the Carmel Fire Department. They just came up with money and decided to distribute it throughout the State of Indiana to technical rescue teams and we received \$43,000. Altman stated on the laptops she is reading that we had a choice between Project #1 – host framework data and Project #2 – laptops. Altman stated she does not recall discussing Project #1 at EMA. Copeland stated the reason we did not is that we have our own GIS which is different than the State's and we chose not to participate. It took this grant out of the formula. Copeland asked if there is some concern about that? Altman stated the common operating picture during an event, that was the possible value of Project #1, she is surprised we did not discuss it fully at EMA. Copeland stated we have two separate systems and we seem to be pretty happy with our existing GIS and that is why we opted to go with the laptops. Altman asked if Copeland fully explored Project #1? Copeland stated yes. Altman asked if he talked with Larry Stout? Copeland stated on the original plan that is why he assumed we would do the laptops again because this is what we decided to do the first time. Altman stated her point is Project #1 may have been an enhancement to our existing system because it connected up to the State and that is what we never discussed at EMA, that causes her concern. She is not hearing that Larry (Stout) looked at this. Copeland stated he did not look at it since the original grant. It is the same concept, same plan. No he did not ask him to look at it a second time. Altman stated he looked at it the first time and said this does not help us? Copeland stated correct. Altman stated with that information she motioned to approve the Sub-Grant. Holt seconded. Motion carried unanimously.

Transit

Altman stated she has met with Mayor Peterson about transit. Marion County is starting to gear up with some more significant support of the transit movement. Peterson has pledged his support to make sure we take the steps necessary to make sure the RTC and RTA have good information to push it forward. She did meet with Carl Browning, INDOT Commissioner to see what INDOT's position was on transit. INDOT does not view that the Central Regional Transit Authority as a State problem, it does not relieve their State system. We both agreed that the State supports transit, it is a question of who pays for it. Altman stated she has also requested to meet with the Governor to see what his position is on transit and transportation. As the commissioners representative she is pushing transit and rail as helping to supplement the transportation system of the state and our region. Altman stated she may request approval from the commissioners and go to council for an additional for funds to work on public information on transportation. The thought process is that once we get numbers on the cost to do the first leg to Fishers with express bus service to our partners. We will have available different funding mechanisms to make that happen on a regional basis. We need to review those, determine whether we want to go forward. If we decide to go forward the push is to go to the legislature to ask for that specific authority to do a sales tax, use tax, whatever. Altman stated if Indianapolis is able to match some of the funds she will be asking for dollars to do public service educational information to the public as to what transit could do for this region.

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Transportation Museum

Holt stated representatives of the transportation museum have contacted him and are intrigued with the discussion of the trolley service for downtown Noblesville. Holt asked if we should put them in contact with Larry Dawson to see how that would fit with the parking needs study? Altman stated she has spoken with John Barbee and she has suggested Envoy speak with Brenda Myers of the Hamilton County Visitors and Convention Bureau. The visitors bureau may be putting together a package to help facilitate this, it is a huge item on their agenda. Holt stated they indicated there is a lot more grant money available for trolley rather than train. Dillinger stated he does not think Noblesville is embracing that idea very well.

Administrative Assistant [1:59:40]

Alternative Services Contract

Mr. Fred Swift stated Bob Fearnin has requested approval of the renewal of the Alternative Services Contract (ASC) which is the county's third party administrator for liability and worker's compensation claims. The contract did increase \$3,900 with a base price of \$32,147. This amount has been included in the budget. Altman asked if the 10% increase is justified? Swift stated Fearnin thinks so. Holt motioned to ask Swift to contact Fearnin and explain the 10% increase. Altman seconded. Motion carried unanimously.

Treasurer's Office Hours

Swift stated the treasurer has requested an extension in her office hours during the tax collection season. Taxes are due June 29th this year. Hours would be 8:00 a.m. to 12:00 noon on the last Saturday before the deadline and Monday thru Friday until 6:00 p.m. Holt asked if that is the State's deadline? Ms. Mills stated the deadline was set by the county, due to trending we do not have the assessed values but we have our rates. We have to do some certification so the deadline was moved back. Mills stated 16 counties have a deadline of May 10th and the rest of the counties have delayed the deadline. Mills stated it will depend on what legislation is passed. It will cost the counties a lot of money because they will have to send out adjusted tax bills in the Fall. Holt asked if those counties are sending out the tax bills so they don't delay distribution? Howard stated one of the big issues on distribution, everybody but the schools receives COIT. The school gets a huge amount of their operating budget from the State. The big property tax issue is debt service payments that are traditionally indexed to July 15th to August 1st. The auditor's office has been extremely cognizant of that deadline. If there is a June 29th deadline three or four distributions will have been made by the auditor's office. The final settlement is only the last 1%-2%. The thought is everyone will be in good shape. Altman asked when will the bills be sent out? Mills stated June 11th. Altman asked if they will be able to certify for tax sale this year? Mills stated the Treasurer is looking at that. Holt asked if there has been press coverage on this? Altman stated she saw something last week. Mills stated she will check with the Treasurer to see what she is doing. Altman asked Swift to write some press releases. Holt suggested getting the deadlines for the other 92 counties to include with our press release. Altman asked if the issue with the school system in Adams Township has been resolved? Mills stated no, those units will have to borrow money. We are still waiting on Boone County to certify and get their rates.

Family and Children Fund

Swift stated it came to our attention that HB 1478 will transfer the money from our Family and Children Fund in the amount of \$8 million, to the State. Swift asked Dillinger if the commissioners would want to suggest any use of that money before the State gets it. Altman stated the intent of that fund was to build a fund to pay for probation to run the juvenile detention center. Altman motioned to enter into a contract to obligate those funds, immediately. Holt seconded. Motion carried unanimously. Altman stated the other issue we need to look at is if the State picks up juvenile what does that do with our service center, especially with the plan to lease out beds. Altman stated she is looking at the long term.

Law Day

Swift stated Hamilton County Law Day is May 2 and 3 and the Hamilton County Bar Association will be using the historic courtroom and they have requested permission to display artwork that the schools have submitted. Altman stated they have a poster contest and they wanted to display the posters in the judicial center lobby to get more recognition for Law Day. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Request to Use Historic Courtroom

Swift stated the Hamilton County Democratic Party has requested use of the historic courtroom on April 28, 2007 from 9:00 -11:00 a.m. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Mailbox Policy

Swift stated Chet Waters, Jackson Township, lives in Florida during the winter months and came back in April to find his mailbox was damaged during the snow storm. Waters contacted the highway department and was told he is past the seven (7) day notice period per the Mailbox Replacement Policy. The county fixed his mailbox last year, when we did not have the seven day notice period so he did not know there was a deadline this year. He was in Florida and unable to meet the deadline. Altman motioned to allow an affidavit be attached to the mailbox request to be passed by the commissioners on a case by case basis. The affidavit will indicate they were out of town during the snow event. Holt seconded. Motion carried unanimously.

Marble Slabs

Swift stated we have a number of marble slabs left that were passed out when the courthouse was dedicated several years ago. Swift stated the Hamilton County Historical Society would like to sell them as a fundraiser. Altman asked how many of them do we have? Swift stated 25. The commissioner's consensus was to keep them.

Voter Registration Office

Swift stated the Voter Registration office is in the process of moving to the lower level. The employees of that office have asked if they could have a second entrance built where the service window is now located. Altman asked why do they need a second entrance, is it a safety issue? Swift stated that is part of it, they claim they could bring people inside that door to a counter and service them better than the people having to walk around the corner to the existing door. Holt stated he thought about being an employee in there and having the only exit be beyond the irate voter and it would be some what uncomfortable. Dillinger asked why would someone be upset with voter registration, he is opposed to it. Altman stated she does not know why we would not open up the window and have a service counter. Holt stated it is too high. Holt motioned to table. Altman seconded. Motion carried unanimously.

Hot Dog Cart

Dillinger stated the commissioners have received a request from Joe Murello asking permission to have a hot dog cart on the courthouse square. Holt stated the City of Noblesville would like street vendor in downtown Noblesville, but Murello would need to get the commissioners' permission because the county owns the square. We have given permission before for a hot dog vendor to be on the square. Holt motioned to give Joe permission to be on the square. Altman asked if we want to do this on a trial basis to make sure it is not a safety issue? Holt stated it was not an issue the last time. Altman seconded. Motion carried unanimously.

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Auditor [2:20:33]

Janus Transportation Grant Voucher

Ms. Robin Mills requested approval of the Indiana Department of Transportation Contract Invoice Pay Voucher for the Janus Transportation Grant. Holt motioned to approve. Altman seconded. Altman stated it looks significantly less, is that per quarter? Mills stated yes, they still are waiting for two (2) buses. Motion carried unanimously.

Ordinance 03-26-07-A, Administrative Fee in Relation to Foreclosure Sales

Mills requested signatures on Ordinance 03-26-07-A, An Ordinance of the Board of Commissioners of Hamilton County, Indiana, Adopting an Administrative Fee in Relation to Foreclosure Sales Conducted by the Hamilton County Sheriff was approved March 26, 2007 but was not signed.

County Treasurer's Monthly Report

Mills requested approval of the County Treasurer's Monthly Report dated March 30, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report

Mills requested approval of the Clerk of the Circuit Court's Monthly Report dated March, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Mills requested acceptance of Bonds and Letters of Credit for the drainage board. 1) HCDB-2007-00011 – Fidelity and Deposit Company of Maryland, Indemnity Bond No. 08780316 for The Bridgestone/Firestone Elwood Wilson reconstruction - \$3,288,195.00. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board

Mills requested the release of Bonds and Letters of Credit for the drainage board. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims

Mills requested approval of Payroll Claims for the period of March 26 – April 8, 2007 paid April 20, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims

Mills requested approval of Vendor Claims to be paid April 24, 2007. Altman motioned to approve. Dillinger seconded. Altman and Dillinger approved. Holt abstained. Motion carried.

Hamilton County Solid Waste Board Interlocal Agreement

Mills requested approval of an Interlocal Agreement between the Hamilton County Solid Waste Board and The Hamilton County, Indiana for Stormwater Phase II funding. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Sheriff [2:24:07]

Requesting Pay for Security Work – Glen Shrock

Sheriff Carter stated there is an issue brought to the commissioner's attention regarding the payment for security services by Glen Shrock during the 2005 Soleheim Cup. He and Shrock have had many conversations about this. Carter stated he has invited Mr. Oberly and Mr. Cotton from the Indiana Sport Corporation, to attend today. The Soleheim Cup was held at Crooked Stick Golf Club in 2005. Chief Fogerty and he had responsibilities at that course with over 100,000 people attending. The responsibilities were divided with Chief Fogerty taking responsibilities of what happened inside the confines of Crooked Stick and the sheriff's office took responsibility of the access to and from the venue. Sometimes towards the end of the planning for the initial event we realized there was going to be some on course security needs. Tom Cotton and Dan Oberly gave he and Chief Fogerty six (6) players that would be assigned security on the course but we would not have responsibility for those folks that were on the course. It was one of those duties that the folks left standing on the blacktop on 116th Street would have liked to have had. Because of Glen Shrock's service to this community for over 40 years he asked if Shrock wanted to work on a course with some of the best female golfers in the world and he did. The other folks that took those responsibilities included a couple of retired Indiana State Police officers. That was a different security piece and Carter had no control of those folks and what happened on the course. He was never in the detailed planning of the on course security. The Marion County Sheriff took responsibility for the hotel security where the players were staying. In essence we had three (3) responsibilities, outside the course, on the course and anything around the course in the geometry of the Crooked Stick Golf Club. Glen (Shrock) had asked Carter to be compensated and he explained to Shrock that he had no way to pay him with county general fund dollars. We did receive a \$30,000 stipend to help absorb some of the costs. They recognized it would be a worldwide event within Hamilton County and there would be costs incurred. Carmel absorbed about \$70,000 in overtime costs, we absorbed about \$36,000 in our annual budget plus the \$30,000 they (Council) had given to us initially. There was a significant cost to the county. There is not a process that is currently in place that allows me to pay another policeman from general fund dollars. Glen understood that and that is when he opted to come to the commissioners and to the county council. Holt asked if the \$30,000 stipend was from the county council, he thought it was from the Indiana Sports Corporation? Carter stated they did receive a stipend from the sports corporation as well and still ended up absorbing a significant amount of money. Holt asked if sports corporation was \$30,000? Carter stated yes, it was very close to that. The sports corporation and the LPGA gave us a security budget very early on, around \$96,000. Both Chief Fogerty and he recognized that would not cover our costs. While we had additional costs over and above what the county council had initially appropriated, what the sports corporation gave to us, which we split 50/50 with Carmel Police Department, we knew there would be additional costs we would have to absorb. None of the budget included planning time. Holt asked if he and Carmel split the county council stipend? Carter stated no, he is not sure what increase the Carmel Council gave the Carmel Police Department. Holt asked if you got \$30,000 from the Indiana Sports Corporation and \$30,000 from county council? Carter stated correct, he believes our total was around \$75-\$76,000. Dillinger asked who negotiated those contracts and signed them? Carter stated they were taken to the council, he did not know if there was any signatures on them. We were given a budget to work under with the expectation that the event was going to come here. Dillinger asked if he had a contract with them? Carter stated there was an agreement. Dillinger stated the council does not have the authority to sign an agreement with them. Carter stated that is true. Dillinger stated he does not recall us signing one, we are the only ones with authority to sign it. Carter stated he does not think there was a contract signed by the commissioners. Howard stated there will be in 2009? Carter stated yes. Dillinger stated we will want to be involved with any type of agreement that will cost the county that much money.

Danny Oberly, one of the three co-chairs for security along with the Sheriff and Chief from Carmel. Oberly is the current President of the Professional Police Officers Credit Union, a retired Deputy Chief from the Indianapolis Police Department and he chaired the 2001 World Police and Fire Games. Oberly stated when we started with the event we knew that we needed to bring together law enforcement in the community to be hosting it. We met with Carmel and the Hamilton County Sheriff's Department and put together a plan over a 2 ½ year period of what obligations we had

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from the LPGA, from the Indiana Sports Corporation and the Soleheim family. We identified several security issues dealing with traffic control, security of the players, security of the venue, security of the fans. We put it together in a 3-prong approach, one was using professional law enforcement from Carmel, from ISP (Indiana State Police) and from Hamilton County. One was using a security company we hired and one was using volunteers. Oberly's role was to manage security, the volunteers and the security company. The issue we have at hand is player security on the course which was put under him as volunteers. All along we solicited people to work as volunteers under the volunteer security division. The volunteers for Soleheim all had to pay \$100 or \$150 to volunteer for the games. We negotiated that the people that worked the course would be volunteers but would not have to pay to get their shirts and hats. It was our understanding all along that anybody who did course security for the professional golfers would be volunteers and not paid out of the budget of the money that went to Carmel PD or Hamilton County. Oberly stated he has found correspondence through e-mails from the organizing committee and to the chairs of the volunteer committees. These e-mails discussed when the volunteers would be on the course and when to change the volunteers. Dillinger asked if any of these e-mails were ever shared with the volunteers? Oberly stated no, they were just to tell us who was there. From our planning we put together information of who would be on the course. There was a plan put together by the Sheriff and the Chief of their obligations and showing what they would pick up from professional law enforcement. The reason for the money that went back to professional law enforcement was to help offset some of the costs. There was never an intent to pay for all of the security that happened at the event. Oberly originally believed they were going to give us \$40,000 to be paid back to the City of Carmel and the County of Hamilton. At the end of the day because of the additional security they needed and because they were successful he believes Carmel received \$30,000 from Indiana Sports Corporation and the county received \$30,000. Mr. Cotton was in charge of player security. We told him the requirements of the LPGA and the Indiana Sports Corporation and he did his orientation and worked on a day to day basis with the course volunteers. Dillinger asked Oberly if he was personally involved in any of the orientations that Mr. Cotton had? Oberly stated he did the group orientation at the fairgrounds where we had all of the law enforcement there. We brought in the security company and the on course volunteers. We did an overall volunteer orientation and then Mr. Cotton did a group meeting for his volunteers individually. Dillinger asked if the people working security for the players, such as Mr. Shrock, was in attendance for those? Oberly stated he does not know, you would have to ask Mr. Cotton. Dillinger stated we will assume Shrock was there, at that meeting was it talked about them being volunteers? Oberly stated the orientation talked about the different groups that were in the room. We had professional law enforcement from the different agencies. We had the course volunteers that would be taking care of the players and the security company. Oberly does not know if we ever got in the group meeting specifically saying that they were volunteers, he can't remember that.

Mr. Tom Cotton, retired IPD Officer, stated for the Soleheim Cup he was tasked with the on course security for the players under Mr. Oberly. In August when they had the general meeting and general presentation of the security requirements for the event he called together the on course volunteers that were there, Mr. Shrock was one of them, almost all of them were there that he can remember. At that time he had a total of 14 volunteers, that included retired IPD Officers, Marion County Sheriff Department, ISP, even a retired DEA agent. He was also provided with name of volunteers from Sheriff Carter and Chief Fogerty. At that meeting he reiterated they were on course security, he issued uniforms that had been selected to be worn by them, it was a specific dark blue uniform with a hat and khakis (their own slacks) that identified them as on course security personnel so anybody involved in the event knew what they were there for, again reiterating that this was a non-paid volunteer event. In fact most of the volunteers for the event had to pay to be a volunteer. Our people did not have to pay but neither did they get paid. In fact I reminded them they were getting the opportunity to be in one on one contact with the finest lady golfers of the day. When the event started at the first of the week we found out that we were inadequately staffed, the crowds were much larger than anticipated. On Friday and Saturday of the split events, some volunteers volunteered to work both of them because they got a chance to go out on two rounds of golf, which Mr. Shrock did. At no time did he have any conversation with any of his volunteers referencing compensation. Dillinger asked if anybody that was player security get paid for that? Cotton stated not to his knowledge and certainly not out of Soleheim funds. To the best of his knowledge they were either retired officers or off duty officers. It did involve some active ISP people, some active Carmel police officers and some active Hamilton County deputies. To his knowledge when they were functioning in the capacity of an on course personnel they were off duty on their own time. Dillinger asked Cotton if he remembers specifically telling them that this was volunteer and they would not get paid? Cotton stated absolutely, that was the point he was making, they were non-paid volunteers and not having to pay to be a volunteer as some of them were and having the opportunity to be inside the ropes, one on one, on a first name basis with the golfers.

Holt asked Carter if he got the impression at the last presentation that the people from your department that were working Mr. Cotton's detail were compensated for doing so? Carter stated that is correct but they were on vacation time. They had taken time off to work that venue. We did have some people in an on-duty status depending on manpower at the time. Keep in mind the schedule was very, very complicated. If we were short and we had extra people on patrol or in the office and could come down as public safety officers and direct traffic or do whatever needed to be done, they were brought down. The on course folks, since they were a different piece of the security plan, were on vacation time. Grant Packham comes to mind. Dillinger stated so they were paid? Grant Packham was compensated on a vacation day. Dillinger stated he was not compensated for the event, he was compensated because he was on vacation? Carter stated that is correct. Holt stated that was not the understanding he had from the last meeting. Tom Gehlhausen was on the detail, Major Bowen said. Carter stated yes and there would have been some administrative staff that this was their assignment for the day, during that nine day period of time. Holt stated what is the difference if you are administrative or road deputy? Carter stated non-essential verses essential. He has some administrative staff that can be gone and he does not have to replace, if it is a jail, corrections officer, juvenile services or patrol we can't take just one person and not replace him/her. That is the difference between the two responsibilities. Holt asked if you were administrative you would get paid? Carter stated if that was your primary work assignment, yes. Altman stated the distinction being that it was on course security verses what Doug was doing on behalf of the agreement which is off site. Holt stated but Tom (Gehlhausen) was on the course? Carter stated he does not remember, if he was he is an administrative person that is going to be compensated for that eight hour period. Cotton stated Major Bowen came in on a couple of occasions on course, he was under the assumption he took his time off to do that. We found ourselves short-handed, the security needs exceeded our original numbers. At the clubhouse transiting from the 9th green to the 10th Tee, we had to take the players, caddies, etc. through a very heavily traveled access area. To that end officers from Hamilton County and Carmel PD in uniform, on duty helped provide a corridor of transition between those two areas in order to get the players through without interruption. That is were some of the on duty officers were utilized. Cotton stated the name you mentioned (Gehlhausen) is not familiar to him at all.

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Shrock stated Thurl Cecil was on the detail with on course security with the girls. Thurl was told, and he has checked with him again since the last meeting, he had scheduled a vacation, he was told to cancel his vacation and he would use that as regular duty time while he was there. Shrock stated he will agree with about everything Mr. Cotton said with the exception that he specifically remembers him saying that we would only be compensated for the time we spent on the course with the girls. At no time was it mentioned there would be no compensation. It is true the civilian volunteers had to pay, he does not know of any police volunteers that had to pay. They were given the dark blue heavy golf shirt to wear. At the orientation basically all that was discussed was our duties, what we would be doing on course with the girls and the schedules were assigned and the uniforms were issued. Shrock stated he was also told this week by a trooper that the deputies were paid time and a half, he does not know if there is any truth to that or not. Shrock stated he does know that there was any full time police officer, state police, county or Carmel, that did not get paid. If he took vacation he knows one guy that didn't, that was Mr. Cecil. Shrock stated he would not have worked as many hours had he known that it was a volunteer detail. He took his vacation time to do it in order to earn extra funds because he had planned to retire. He would have worked it, he would not have put in over 40 hours, because he did. Mr. Cotton kept track of the hours they worked and there would have been no need for that had they been volunteers. Holt asked Shrock if it is accurate, you did not say this last time but Major Bowen told him, that you delayed your retirement from Arcadia to be insured you would be paid? Shrock stated yes, he had originally planned to retire the first of August or September but when this came up he waited to retire September 30, 2005. Dillinger asked what bearing would that have on it? Holt stated retirees were not compensated, he understood that. Holt stated that was the most compelling thing at the last presentation and you did not include it in your explanation. Why would you delay your retirement if you did not think you would be compensated? Dillinger stated he does not think that is the issue, he thinks Glen thought he was going to get paid. Holt stated he understands, that is his point. Glen understood if he was a retiree he would not get paid and that is why he delayed his retirement, so he would get paid. Dillinger stated he believes that. Altman stated there is a mis-understanding but it is clear from the testimony what the intent was and what the budget was. If your department would compensate you just as we absorbed the costs on our people that exceeded the stipend. We absorbed it as an agency, just as your force would have absorbed yours on overtime or your own time. Holt stated the benefit was to Hamilton County and Glen came in through the Sheriff's department. Altman stated the entity was the county as a whole which his department is a member. These events don't come on with all paid staff. We had hundreds of thousands of hours of volunteer time, that is the only way you pull off an event like this. Some people got compensated because it was a necessity. Shrock stated there was no benefit to the Town of Arcadia by him participating. Altman stated that is the argument for the dome and everything, it is an enhancement for the area. We don't directly benefit by the stadium in Marion County, it is a regional enhancement. Dillinger stated his biggest problem is trying to establish the responsibility of Hamilton County, which is all we are concerned with. I know you said you thought our involvement was that you had contacted the Sheriff on it. Doug (Carter) says that he made it perfectly clear that he would be working under Mr. Cotton. Carter stated Glen and I had talked prior to the Soleheim Cup ever coming, we knew it was going to be there so he did not have those conversations. What he saw was the opportunity to pick six people that would want to get on the course with the best female golfers in the world. That was a benefit that 80 to 90 people from his agency would have loved to have had. The conversation he had with Glen was that he had been given the opportunity to pick six people, as Chief Fogerty, for this responsibility verses another responsibility which he was responsible for which was traffic and security of Coxhall Gardens. That was his conversation with Glen. He and I did not have conversation into the parameters of the detail planning that had taken place for two years up to this event. I knew he wanted to be a part of it because we had talked about it a couple of different times and I saw this on course security as an opportunity for him in reflection for all the years of service he has given this county. If you see all of the other people on here, Jim Kinder, retired state policeman, I have a list of folks who had on course security. Looking down Clint Bundy from ISP, Steve Knapp who is the primary chaplain for the Marion County Sheriff's office, stated he knows the state police folks whether they gave it to them as a primary work day and compensated them, they can not accept funds from outside entities for security purposes. Those funds were all absorbed by the state police. Grant Packham from the jail division and an avid golfer, Pat Towle, an avid golfer – those were the names selected and he submitted to Tom Cotton. Shrock asked Carter if it would have made a difference if he had been on course or off course? Carter stated he would not have had the means to pay Shrock off course and we knew what our responsibilities were going to be. As an example Marion County absorbed the costs associated with their planning time and security at their hotel. We did not employ anybody outside the agency because we don't have the means to pay them. We don't have the processing place that allows a person to be paid from outside county government. Altman asked Carter if he did not employ any personnel to work this event other than our own people? Carter stated that is correct. Shrock stated he believes he was the only person outside IPD, Carmel, state police and Hamilton County Sheriff's Department. He was the only active full-time police officer at the time. It was never discussed between you (Carter) and I that there would be no compensation. Carter stated it was not discussed that it would be. Dillinger stated he can't see how Hamilton County has any obligation here, he would like to get you paid but I just can't recommend to the council to authorize that when he has people saying you were told there were volunteers and the sheriff is saying what he is saying. If you have a claim it is through the sports corporation. I can't see how the county in any way could be liable. Altman stated she agreed. Holt stated he feels the same way he felt two weeks ago, Glen should be compensated. We are talking about a small amount of money, he has appeared in front of us twice, he has written a letter summarizing his position, he has talked to the county council and he delayed his retirement with the expectation that he would be paid, otherwise there would be no reason for him to do that. We should respect what he did and as a full-time officer that was on site and arranged to be present through the Sheriff's department we should ask the county council to make an exception and compensate him. Dillinger asked if that is a motion? Holt stated it is. No second. Motion fails. Altman stated the best we can do for Mr. Shrock is to not take a position either way. Altman stated the failure to move forward on it is our action.

Juvenile Services Center [2:55:17]

Larry Dawson, Envoy, stated he has prepared the contracts for the studies for the 4-H Fairgrounds and for the downtown study. Pricing on Phase I is \$30,000 and \$50,000 as discussed. Dawson stated this contract includes advanced stages if we go on. Dawson stated when he was doing this contract he found two shortfalls from past obligations of one change order adding the project by name for the jail expansion and work release. Altman motioned to table it for consideration at the next meeting. Holt seconded. Motion carried unanimously.

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Weights and Measures Travel Request

Dillinger stated Cary Woodward and Mike Thomas, Weights and Measures, have requested permission to attend the national conference on Weights and Measures. Altman asked how many days? Dillinger stated the conference will be held at the Snow Bird Resort in Salt Lake City Utah from July 8-12, 2007. Altman stated she thinks it will be excessive. Dillinger stated the request states this will be Mike’s first year as a delegate and he will begin to fully appreciate the legislative process of weights and measures laws. Altman stated council’s direction is to look locally for training and only go out of state judicially unless you find other sources. Altman stated she does not support the other request. Dillinger motioned to approve it. This is no different than what other departments are doing. Holt seconded. Dillinger and Holt approve. Altman opposed. Motion carried.

Juvenile Service Center – Certificates of Substantial Completion

Captain Dan Stevens requested approval of the Certificates of Substantial Completion of the Juvenile Services Center as recommended and reviewed by Envoy, Inc. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Verizon Music Center 2007 Agreement

Sheriff Carter requested approval of the Verizon Music Center 2007 Agreement for on-site and off-site law enforcement and traffic services. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Dillinger recessed the meeting. [3:01:40]

Commissioners Correspondence

Irving Materials, Inc. Notice of IDEM Update
Notice of Public Hearings – City of Noblesville
2375 Pleasant Street – Edward C. Heinzman
INDOT Project Update
IDEM Notice of Sewer Permit Applications
Hamilton County Corrections Complex, Phase 1 – Noblesville
Sanctuary @ 116th, Sections 1-3, 4A – Carmel
The Preserve at Hazel Dell, Section One – Noblesville
IDEM Notice of Sanitary Sewer Construction Permit
Winding Creek Lift Station – Fishers
Certificate of Insurance
Daystar Directional Drilling, Inc.
Time Warner Telecom, Inc.
Valenti-Held Contractor/Developer
Watson’s of Indianapolis, Inc.

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Joel Thurman, Interim Highway Engineer
Amber Emery, Highway Public Service Representative
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Matt Knight, Highway Staff Engineer
Faraz Kahn, Highway Department
Kathy Howard, Highway Department
Scott Warner, Buildings and Grounds
Robert Hamlett, Indiana Veneers Group
Becki Wise, USI
Patti Smith, BLN
Floyd Burroughs, FEBA
Glen Shrock, Pay Request for Security Work
Dan Oberly, Indiana Sports Corporation
Tom Cotton, Indiana Sports Corporation
BJ Casali, ISSD
Sheena Randall, Human Resources Director
Arvin Copeland, EMA Director
Larry Dawson, Envoy, Inc.
Dan Stevens, Sheriff’s Department

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor

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